

RECEIVED AND FILED  
WITH THE  
N.J. BOARD OF DENTISTRY  
ON 4-26-06 *DA*

ZULIMA V. FARBER  
ATTORNEY GENERAL OF NEW JERSEY  
Division of Law  
124 Halsey Street  
P.O. Box 45029  
Newark, New Jersey 07102  
Telephone (973) 648-4447  
Attorney for Board of Dentistry

By: Nancy Costello Miller  
Deputy Attorney General

STATE OF NEW JERSEY  
DEPARTMENT OF LAW & PUBLIC SAFETY  
DIVISION OF CONSUMER AFFAIRS  
STATE BOARD OF DENTISTRY

IN THE MATTER OF THE LICENSE OF

**JOHN D. ROSA, D.D.S.**  
License # DI 20036

TO PRACTICE DENTISTRY  
IN THE STATE OF NEW JERSEY

Administrative Action

**CONSENT ORDER  
REINSTATING LICENSE  
WITH RESTRICTIONS**

This matter was opened to the State Board of Dentistry upon receipt of information that John D. Rosa, D.D.S. ("respondent"), had used cocaine and had obtained prescription medication under false pretenses by using fictitious patient names on more than one occasion. Respondent retained counsel, Pamela Mandel, Esq., agreed to the voluntary surrender of his license to practice dentistry in October 2005 and participated in an in-patient rehabilitation program. Following completion of the in-patient program, Dr. Rosa entered weekly psychotherapy with Beth A. Canton, Ph.D., a neuropsychologist, and he

has enrolled in the Professional Assistance Program ("PAP"), where his recovery continues to be monitored.

Pursuant to the terms of the Voluntary Surrender, respondent was permitted to seek reinstatement six months following his cessation of practice. In support of his reinstatement, respondent provided a letter from Louis E. Baxter, Sr., M.D., Executive Medical Director of the Professional Assistance Program, and a letter from Dr. Canton, both of whom supported Dr. Rosa's reentry into practice with restrictions. In addition, counsel for Dr. Rosa provided a copy of the discharge report from Marworth, the in-patient facility, detailing medical and psychological information regarding his treatment. Dr. Rosa appeared with counsel and Dr. Baxter before a committee of the Board on April 5, 2006, during which he testified about his drug use and the steps he has taken toward his recovery. At that time, Dr. Baxter also testified in support of Dr. Rosa's application for reinstatement.

Based on a full review of the record, the Board has determined to accept the recommendations of Dr. Canton and Dr. Baxter and will reinstate Dr. Rosa's license with restrictions. The Board will not reinstate Dr. Rosa's CDS registration at this time. The Board notes that Dr. Rosa is early in his recovery but he has demonstrated a commitment to that recovery and appears to have gained genuine insight into his behavior. The Board finds the terms of this consent order to be adequately protective of the public health, safety and welfare.

IT IS, THEREFORE, ON THIS <sup>15<sup>th</sup></sup> DAY OF JULY, 2006,

ORDERED THAT:

1. The license of John D. Rosa, D.D.S., to practice dentistry in the State of New Jersey shall be reinstated upon entry of, and subject to the terms of, this order.

2. Respondent shall abstain from the use of all psychoactive substances, including alcohol, unless prescribed by a treating physician for a documented medical condition with notification to the Executive Medical Director of the Professional Assistance Program of the diagnosis and prescribed medications. In addition, respondent shall advise any and all treating physicians and/or dentists of his history of substance abuse.

3. Pending further order of the Board, respondent shall continue his participation with the Professional Assistance Program and shall comply with the recommendations for treatment, including but not limited to monthly face to face contact with representatives from that program, attendance at support groups, including NA or AA at a minimum of three times per week, urine monitoring not less than twice a week, and continued psychotherapy with Dr. Canton. If respondent discontinues participation with the Professional Assistance Program or fails to comply with the conditions imposed by the program or outlined in this consent order without obtaining approval of the Board and the Professional Assistance Program, he shall be deemed in violation of this Order.

4. The Professional Assistance Program shall submit quarterly reports to the Board regarding respondent's participation and compliance with all requirements of the PAP and this order. If respondent has a lapse or slip in his recovery or if respondent terminates treatment with his psychologist or his participation with the PAP, the PAP shall immediately the Board. For purposes of this paragraph, "immediately" shall mean reporting the information orally within 24 hours and following up with a written report within 72 hours.

5. (a) Any failure by respondent to submit or provide a urine sample within twenty-four (24) hours of a request will be deemed to be equivalent to a confirmed positive urine test. In the event respondent is unable to appear for a scheduled urine test or provide a urine sample due to illness or other impossibility, consent to waive that day's test must be secured from the Professional Assistance Program. Respondent shall notify the Professional Assistance Program if he will be out of the State for any reason, so that the program may make a determination regarding alternate testing.

(b) Any urine test result showing creatinine levels below 20 mg/dL and a specific gravity below 1.003 shall create a rebuttable presumption of a confirmed positive urine test. Any such result shall be followed immediately by a confirming GC/MS test.

(c) Respondent shall familiarize himself with all foods, food additives or other products (such as poppy seeds) which may affect the validity of urine screens, be presumed to possess that knowledge, and shall refrain from the use of such substances. Ingestion of such substances shall not be an acceptable reason for a positive urine screen and/or failure to comply with the urine monitoring program.

(d) The Professional Assistance Program may, after notifying the Board, modify the frequency of testing or method of testing during the monitoring period.

6. Respondent shall provide any and all releases to any and all parties who are participating in a monitoring, treatment, or other program as outlined in this order, as may be required in order that all reports, records, and other pertinent information may be provided to the Board in a timely manner. Any information received by the Board regarding

respondent's treatment or participation in a monitoring program may be used in connection with any proceedings pertaining to his license.

7. Respondent shall not prescribe or dispense any controlled dangerous substances until further order of the Board.

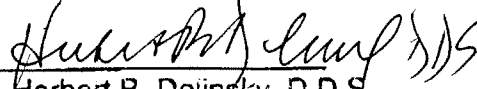
8. Respondent may practice for not more than twenty (20) hours per week in a private practice and not more than eight (8) hours per week in a residency program. Respondent may seek to increase the number of hours he is permitted to practice under this order not sooner than four months from his resumption of active practice.

9. Respondent is assessed the costs of the investigation to the State in this matter in an amount of \$7,546.32. Payment for costs shall be submitted by certified check or money order made payable to the State of New Jersey and shall be sent to Kevin Earle, Executive Director, 124 Halsey Street, P.O. Box 45005, Newark, New Jersey 07101. In payment of costs, respondent shall make six monthly payments, the first payment shall be \$1,296.32 and the remaining five monthly payments shall be \$1250.00 each. The first payment shall be due by June 1, 2006 and subsequent payments shall continue to be due by the first of each month until all six payments are completed. In the event that respondent does not make a timely payment, the full balance will immediately become due.

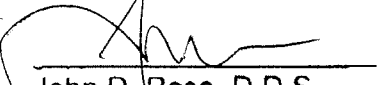
10. Nothing in this order shall be deemed to preclude the Board from taking any action it deems appropriate should the Board's review of information cause it to determine that such action is warranted.

11. Respondent may apply for relief from the terms of this order not sooner than six months from its entry, except as provided in paragraphs 5(d) and 8 above. At the Board's sole discretion, respondent may be required to appear prior to any modification of the terms of this order.

NEW JERSEY STATE BOARD OF DENTISTRY

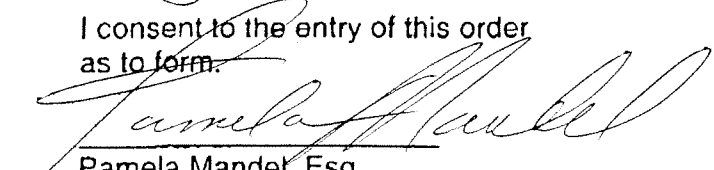
By:   
Herbert B. Dolinsky, D.D.S.  
President

I have read and I understand the terms of this order and agree to be bound by it. I consent to the entry of this Order.

  
John D. Rosa, D.D.S.

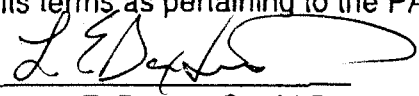
9/21/06  
Date

I consent to the entry of this order as to form.

  
Pamela Mandel, Esq.

9/21/06  
Date

I have the terms of this order and agree on behalf of the Professional Assistance Program to comply with its terms as pertaining to the PAP.

  
Louis E. Baxter, Sr., M.D.  
Executive Medical Director  
Professional Assistance Program

4/25/06  
Date